

**Case No. 4:21-CV-00120-CLM**

**CITY OF GADSDEN,** )  
**ALABAMA, et al.,** )  
**Defendants.** )

Gadsden responded by arguing that: (a) the court should read Dynamic's references to procedural due process as stating a claim under the 14th Amendment to the U.S. Constitution, and (b) that when Gadsden asked, Dynamic did not deny that it was bringing a 14th Amendment claim. *See* Docs. 4, 5.

Dynamic replied by asking the court to remand and state that "it is not asking for any court to determine whether its federal due process rights under the 14th Amendment of the U.S. Constitution were violated or otherwise asserting any federal cause of action." Doc. 6 at 4.

#### **B. Lack of Jurisdiction**

"Federal courts are courts of limited jurisdiction. They possess only the power authorized by the Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). For removal to be proper, this court must have subject matter jurisdiction over this case. *See Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). And the court must resolve any doubts about removal in favor of remand. *See Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1095 (11th Cir. 1994); *Vestavia Hills v. Gen. Fidelity Ins. Co.*, 676 F.3d 1310, 1313 (11th Cir. 2012).


Because Dynamic does not cite the U.S. Constitution or a federal statute in its complaint, and because Dynamic has affirmatively stated that it is not bringing a federal cause of action against Defendants, the court finds that it lacks subject matter jurisdiction over this case. So, by separate order, the court will remand this case to

the Circuit Court of Etowah County.

**C. Costs and Expenses**

The court denies Dynamic's request that the court require Gadsden to reimburse Dynamic for the costs and expenses of defending the notice of removal.

**DONE** this February 22, 2021.

  
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**COREY L. MAZE**  
UNITED STATES DISTRICT JUDGE